

**PARMA MUNICIPAL COURT
PARMA, OHIO**

JUDGE/MAGISTRATE

CASE NO:

ORDER

**SEALING AFFIDAVIT AND
SEARCH WARRANT**

IN THE MATTER OF AFFIDAVIT AND SEARCH WARRANT:

The Court finds that Detective Thomas Connor, Badge No. 764 of the Parma Police Department has received a Search Warrant, to be served upon Facebook Inc for Facebook URL <http://www.facebook.com/TheCityofParmaPoliceDepartment> and <http://www.facebook.com/anthony.h.novak>.

The Court finds that evidence seized pursuant to said Search Warrant will be used in the investigation and prosecution of criminal violations of State Laws.

The Court further finds that the information contained in the Affidavit are of such nature that disclosure will endanger witnesses and hinder the investigation and prosecution.

THEREFORE, it is the ORDER of this Court that the Affidavit and Search Warrant tendered in support of the Search Warrant not be issued to any person except the Cuyahoga County Prosecutor's office and the City of Parma Prosecutor's office. This Affidavit and Search Warrant shall be so sealed and issuance of copies so prohibited until such time that by petition to the Court an interested party can show that the interests of Justice require the change of this Order.

DATE: 3.27.10


**JUDGE/MAGISTRATE
PARMA MUNICIPAL COURT
PARMA, OHIO**

PLAINTIFF'S
EXHIBIT

5

SEARCH WARRANT RETURN

I received the attached Search Warrant on 3-25-16 and have executed it as follows: On 3-3-16 at 1:10 PM I searched:

 the person the premises X the property as described in the warrant

and I left a copy of the warrant with: Facebook Inc.
together with a receipt for the items seized.
(person searched - or owner of place of search - or on premises)

SEE INVENTORY LIST ATTACHED MARKED EXHIBIT B

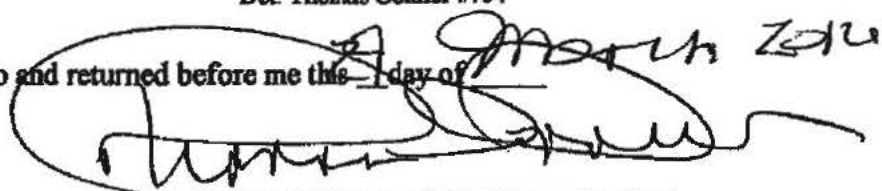
This inventory was made in the presence of Det. Scott Traxler

I swear that this inventory is a true and detailed account of all the property taken by me on the warrant.

Signed

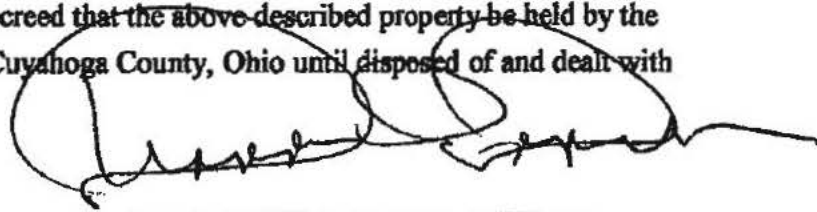

Det. Thomas Connor #764

SUBSCRIBED AND SWORN to and returned before me this 3 day of March 2016


Judge, Parma Municipal Court
Parma, Ohio

JOURNAL ENTRY

On this the day of February, 2016, and upon the receipt of the within Search Warrant, it is hereby ordered and decreed that the above-described property be held by the Prosecuting Attorney for Cuyahoga County, Ohio until disposed of and dealt with according to law.


Judge, Parma Municipal Court
Parma, Ohio

STATE OHIO)
)
CITY OF PARMA)

PARMA MUNICIPAL COURT
CRIMINAL DIVISION

SEARCH WARRANT

**To: THE CHIEF OF POLICE OF THE PARMA POLICE DEPARTMENT AND/OR
DETECTIVE THOMAS CONNOR BADGE #764 AND/OR ANY LAW
ENFORCEMENT OFFICER AS AUTHORIZED BY LAW.**

WHEREAS there has been filed with me an affidavit, a copy of which is attached hereto, designated as Exhibit A, and incorporated herein as though fully rewritten, wherein the Affiant avers that he believes and has good cause to believe that within: Facebook Inc., Palo Alto, CA there is now being kept, concealed, and possessed the following evidence of a criminal offense:

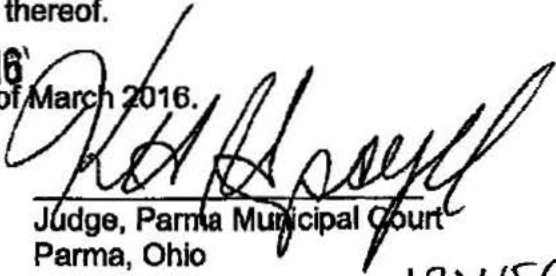
- Facebook profile for The City of Parma Police Department, Facebook URL <http://www.facebook.com/TheCityofParmaPoliceDepartment>
- Facebook profile for Anthony Novak, DOB: 11-27-88, Facebook URL <http://www.facebook.com/anthony.h.novak>:

All of the following records for date range from February 1, 2016 through March 3, 2016: Neoprint profile, including wall posts, deleted wall posts, non-deleted and deleted private messages between users, status updates, friends lists, deleted friends lists; Neophotos, including all photos updated by any user which contains the requested user tagged in them; Neomessages; All user contact information, All group contact information; IP addresses associated with the creation of the accounts and/or any and all other evidence tending to establish violation of the criminal laws of the State of Ohio, to wit: Ohio Revised Code Chapter 2909.04.

I am satisfied that there is probable cause to believe that the above described stored electronic data, which is being maintained by Facebook Inc., Palo Alto, CA, and that grounds for issuance of this search warrant exist.

THEREFORE: Pursuant to 18 USC 2703 and/or the Laws of the State of Ohio, You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant upon Facebook Inc., Palo Alto, CA within three days of the date hereof, for the information specified, and if the property or any part thereof be found there, Facebook Inc., Palo Alto, CA, is commanded to seize it and provide the information to Detective Thomas Connor, Badge No. 764 via e-mail to **tom.connor@parmajustice.net** and not disclose the existence of this warrant or any court order to any persons unless ordered by the court. Upon receiving the information requested Detective Thomas Connor, Badge No. 764, is ordered to return this warrant to the undersigned or any Judge of the Parma Municipal Court, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the court having cognizance thereof.

Given my hand this MAR - 3 2016 day of March 2016.


Judge, Parma Municipal Court
Parma, Ohio

12:45 P.M

MAR - 3 2016

EXHIBIT A

STATE OF OHIO)	PARMA MUNICIPAL COURT
)	CRIMINAL DIVISION
CITY OF PARMA)	

AFFIDAVIT FOR SEARCH WARRANT

Before me, a Judge of the Parma Municipal Court, Parma, Ohio, personally appeared the undersigned Detective Thomas Connor, Badge No. 764, who, being first duly sworn, deposes and says that he is a Detective with the Parma Police Department and that his training and experience include the following: 18 years 3 months as a member of the Parma Police Department of which the past 15 years 5 months have been as a Detective. Detective Connor has conducted hundreds of investigations, including investigations of all felonies.

Affiant states that he has probable cause to believe that at Facebook Inc., Palo Alto, CA, there is now being kept, concealed, and possessed the following evidence of a criminal offense:

- Facebook profile for The City of Parma Police Department, Facebook URL: <http://facebook.com/TheCityofParmaPoliceDepartment>.
- Facebook profile for Anthony Novak, DOB: 11-27-88, Facebook URL: <http://facebook.com/anthony.h.novak>

All of the following records for date range from February 1, 2016 through March 3, 2016: Neoprint profile, including wall posts, deleted wall posts, non-deleted and deleted private messages between users, status updates, friends lists, deleted friends lists; Neophotos, including all photos updated by any user which contains the requested user tagged in them; Neomessages; All user contact information, All group contact information, IP addresses associated with the creation of the accounts; and/or any and

all other evidence tending to establish violation of the criminal laws of the State of Ohio, to wit: Ohio Revised Code Chapter 2909.04.

The facts upon which affiant bases such belief is as follows:

1. Affiant avers that on March 2, 2016, The Parma Police Department was made aware of a fake Facebook account that was established, wherein it appeared to match the real Facebook account, used and maintained by the Parma Police Department..
2. Affiant avers that the Parma Police Department Facebook page is maintained by Lieutenant Kevin Riley, Det. Jeff Wells and Det. Amanda Kaniecki. The Parma Police Department Facebook page has a URL of <http://facebook.com/CityofParmaPoliceDepartment>. The fake page that was created has a URL of <http://facebook.com/TheCityofParmaPoliceDepartment>.
3. Affiant avers that the Parma Police Department maintains this Facebook page to communicate public safety information to residents and commuters to the City of Parma.
4. Affiant avers that several posts were put onto the fake Facebook page in which one post indicated that the Parma Police would be arresting residents who attempted to help homeless people in the city and that if they did help the homeless, they would receive 60 days in jail. Another post indicated that the Parma Police Department would be holding an event sponsoring teen abortions and yet another post said that the Parma Police Department was accepting application and "minorities need not apply". All of these posts purported to


represent the Parma Police Department.

5. Affiant avers that the user who was posting this information purported himself to be a representative of the Parma Police Department, as exact images used on the real Facebook page were used on the fake Facebook page. The user further disrupted and impaired the function of the Parma Police Department by knowingly posting false information.
6. Affiant avers that the initial account that shared this page was anthony.h.novak on March 2, 2016.
7. Affiant avers that a search was conducted of Anthony Novak, herein referred to as Novak. Novak's Facebook page showed a post from March 2, 2016 which stated "I am going to say, I woke up and feel very satisfied by my actions right now" and a comment under the same post by Novak shows him stating "I'm not willing to do time for this guys. You'll be leaving this city in a body bag".
8. Affiant avers that on March 2, 2016 a preservation letter and subpoena were sent to Facebook Inc. It was requested by the Parma Police Department that Facebook Inc. take down the fake page or suspend it immediately. The subpoena requested that Facebook Inc. provide the IP address for the user who established that fake account.
9. Affiant avers that a phone call was placed to Northeast Ohio Internet Crimes Against Children's Task Force in an attempt to get a direct phone number for Facebook Inc. An email address was provided to Jason Barry, herein referred to as Barry. Affiant emailed Barry and requested that fake account be taken down or suspended immediately.

10. Affiant avers that during the evening hours of March 2, 2016, Barry did send a follow up email, in which it stated that "the records team was working on it now".
11. Affiant avers that he checked Facebook on March 3, 2016 and found that the fake account had been removed.
12. Affiant avers the fake Facebook account showed the URL being <http://TheCityofParmaPoliceDepartment>.
13. Affiant avers that Novak uses a Facebook account with the URL being <http://www.facebook.com/anthony.h.novak>.
14. Based on these facts, Affiant avers that there are reasonable grounds to believe, and does believe, that the above described records, and/or other information are relevant and material to the ongoing criminal investigation.
15. Based on these facts, affiant avers that he has probable cause to believe, and does believe that the above described information can be found at the above-described company.
16. Affiant avers that Facebook Inc. is an out of state company that provides information via the internet to users in Ohio. Affiant avers that the evidence requested/ordered arises from evidence obtained in Ohio but stored in California.
17. Affiant is aware that seizing stored communications may implicate privacy rights which Congress believed important enough to protect under the Electronic Communication Privacy Act (ECPA), specifically 18 U.S.C. 2703. Such material is further protected by Ohio Revised Code 2933.51, et. Seq. In executing this

warrant, it is possible that such communications may be seized, along with other material encompassed in the warrant.

FURTHER AFFIANT SAYETH NAUGHT


Detective Thomas Connor, Badge # 764
Parma Police Department

Sworn to before me and subscribed in my presence this 3 day of March 2016.


JUDGE
PARMA MUNICIPAL COURT
PARMA, OHIO

MAR - 3 2016

MAR - 3 2016 12:45 P.M.



PAGE NUMBER 1 OF 1

CITY/PHONE PALO ALTO CA DATE/TIME EXITED 3-18-16/0839

[illegible]

INVENTORY OFFICER [Signature] WITNESS [Signature] RECEIVED BY [Signature]



City of Parma, Ohio

Parma Police Department
Department of Public Safety



440.887.7300 Telephone

5555 Powers Blvd. • Parma, Ohio 44129

440.887.7380 Fax

ROBERT C. MILLER
CHIEF OF POLICE

TIM DeGEETER
MAYOR

THOMAS WM. WEINREICH
SAFETY DIRECTOR

March 2, 2016

Facebook Inc.
1601 Willow Road
Mento Park, CA
ATTN Legal Compliance

Re: Preservation Request

Dear Custodian of Records:

The Parma Police Department is making a preservation request for the below listed Facebook account;

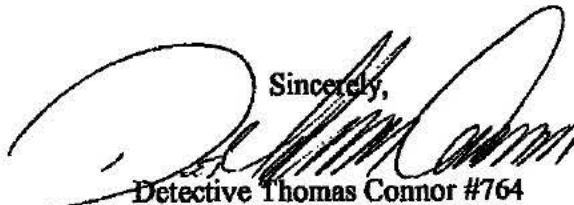
The City of Parma Police Department

We anticipate serving a search warrant for any and all information regarding this account, to include the IP address of the person establishing this account between February 1, 2016 and March 2, 2016.

Please retain all the requested records pending the service of a search warrant.

~~The further requested that this account be taken down or suspended immediately.~~

If you require any further information, please contact Det. Thomas Connor at (440) 887-7332 or by email at tom.connor@parmajustice.net

Sincerely,

Detective Thomas Connor #764

ADDRESS ALL COMMUNICATIONS TO THE OFFICE OF THE CHIEF OF POLICE

SUBPOENA PARMA MUNICIPAL COURT
5555 POWERS BLVD.
(ORDER TO APPEAR) 6 MAR -2 AM 8:58 PARMA, OHIO 44129

THE STATE OF OHIO)
)
CUYAHOGA COUNTY)

CASE NO. 1605007

YOU ARE COMMANDED TO SUMMON:

Facebook Inc.
1601 Willow Road
Mento Park, CA

ISSUER: CITY OF PARMA
PROSECUTOR'S OFFICE

TO ATTEND AND TESTIFY AS A WITNESS BEFORE SAID MUNICIPAL COURT ON THE

_____ DAY OF _____ FORTHWITH _____ 20 _____, AT _____ O'CLOCK _____ M.

IN THE PARMA MUNICIPAL COURT, AT 5555 POWERS BLVD., PARMA OHIO 44129

IN BEHALF OF THE () STATE () PLAINTIFF () DEFENDANT IN A CERTAIN CAUSE PENDING IN SAID COURT, AND THERE TO GIVE TESTIMONY AND THE TRUTH TO SAY, TOUCHING A CERTAIN COMPLAINT MADE IN BEHALF OF THE STATE.

VS

Investigation

() SUBPOENA DUCES TECUM:

Pursuant to 18 USC 2702(d) and/or Ohio State Law equivalent, this Court has found specific and articulable facts sufficient to form a reasonable belief that the information sought in this order to be relevant and material to an ongoing criminal investigation. This Court directs Facebook Inc.

TO PRODUCE AT THE TIME AND PLACE AFORESAID CERTAIN RECORDS TO WIT:

Provide Det. Thomas Connor of the Parma Police Department with the IP address for the user who established the account "The City of Parma Police Department". This account is fraudulent and is impersonating a police department. It is also requested that Facebook Inc. suspend or remove this account. It is believed this account was established between February 1, 2016 and March 2, 2016. Email the information to Det. Connor at tom.connor@parmajustice.net.

FAILURE TO APPEAR AT THE TIME/PLACE HEREIN MAY BE DEEMED A CONTEMPT OF COURT.

WITNESS MY SIGNATURE AND SEAL OF SAID COURT THIS 2nd DAY OF March, 20 16

MARTIN E. VITTARDI, CLERK OF COURT

Edward J. FEO
Judge / Magistrate